

App F IX-1

Previous References

Com 57 49-8, 9

1954 55
(Com)

File No 57 54

Serial Nos 4, 5

Later References

MYSORE GOVERNMENT SECRETARIAT

Serial Nos Two

8-15
E

Part B for

June 1953

SUBJECT

Challenged Votes Relating to the
Corporation Election held in December
1953

WD 04867—GPB—9 000—11 1 54

L 3369/27 to SS

The Commissioner C. C. B
(Through the Mayor)

Rejects the Proposal

Chavand
1/8

Serial
No

To

The Commissioner CCB

Letter no A1 29/84-55 or 20/2-2-1955-

Requests sanction of Government for launching
Prosecution against the persons who have
falsely personated themselves and exercised
their votes in the Municipal Election held
in December 1953.

Submitted.

1) The points for orders are:-

(1) Whether sanction of Government is necessary
for launching Prosecution against the
persons who have falsely personated
in exercising votes in the Municipal
Election held during December 1953

(2) Whether it is necessary to launch
Prosecutions at this distance
of time

3) Kind reference is invited
to Rule 27 (b) of Election Rules
placed below (CR 87-49-9) It is
stated that such sanction be
obtained from the Commissioner of
Police there is no Commissioner

Flag A

Challenges Vires - Corporation Election - 1958

2 File No 8687/211

of 1958

Mysore Government
Secretariat

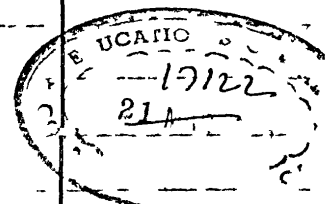
2 - Police in Mysore the Bangalore
Corporation Election Rules are
based on Madras Corporation
Election Rules. The Commissioner
of Police in Madras is the
person referred to in Madras Rules.
The same has been added here
and therefore it should be 29. of
Police. However as clarification
has been sought, and as there is no
such provision in the Rules for
according sanction to launch
prosecutions, it is for consideration
whether 29. P. is the authority
or the Government. This is for
clarification in consultation with
the Law Department.

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No

1712

3) Regarding the second
point, it is clear that
the persons have been named and
they should be prosecuted. Perhaps
there is no time limit for order.

12/35-520 4) Opinion of the Law Dept.
4/3 unnecessary because, there is no
complaint of Police in Mysore State
Secretary (Legal)



Challenged Votes - Corporation Election - 1953

Mysore Government
Secretariat

8287/one File No 7271 of 195 25 [App F III 2 2
Law Branch 2D 55-56

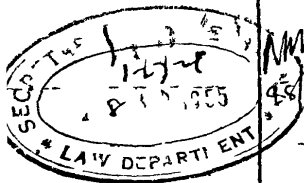
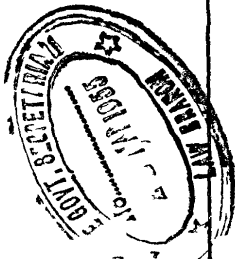
Serial
No

5) 2006 c - remarks

21 3 55

Law Br)

21/3



201

6) Kind reference invited to Rule 27 (6) of approved. The Dep. Secy. to Govt. will be requested to offer their remarks with reference to the rules (under C.O. 57-49)

Law Secy)

21 3 55

21/3

Asst Secy

Law Secy

4/4/55

Sr BN

5

4/4/55

8) Since legal opinion has been sought for the question has to be examined by the legal opinion section of the Law Branch this may therefore be sent to Law Branch for furnishing the remarks sought for

9) The reference to the Commissioner of Police in rule 27 (6) is obviously a mistake; ~~nevertheless~~ but since there is no such officer in the State, this provision will have to be ignored

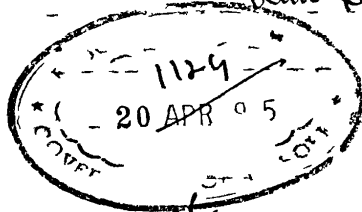
Challenged Votes — Corporation Election — 1953

File No 25/LD of 195
SS-SC

Mysore Government
Secretariat

Besides it is doubtful whether in a rule made under section 68 of the City of Bangalore Municipal Corporation Act, 1949, the Govt can ~~in~~ make a provision in pursuance of power vested in them by section 196 of the Code of Criminal Procedure, 1908 (Mysore Act II of 1908). Even assuming that such an order is legally possible, since there ~~is~~ no such officer the rule in so far as it relates to authorising the Commissioner of Police has no legal validity and consequently it cannot be deemed to be an order ^{made} under section 196 of the Code of Criminal Procedure, 1898 (Central Act V of 1898) by virtue of section 25(2) of the Code of Criminal Procedure (Amendment) Act, 1951 (Central Act I of 1951). A separate order ^{by the Govt} under section 196 sanctioning the prosecution is therefore the only possible legal action in this case.

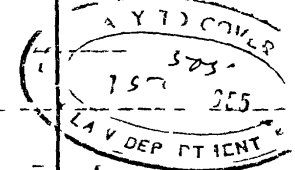
Serial
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Law Secy

15/4/55

Secy - L.S.G.



19/4/55
10) Mas
19/4/55
18/4/55

Challenged Votes - Bangalore Corporation Election 1953

5-

Mysore Government
Secretariat

8687/mt File No

of 195 CM 57-54-4 [App F III 2]

Serial
No

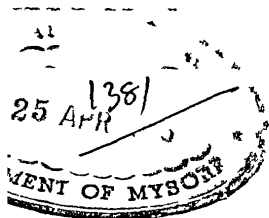
11

13) For orders with reference to
paras 1, 5 and 10 supra

28/4 5/20 - 14) The Corporation has requested Govt
29/4 to issue orders to prosecute 6 persons
who have falsely exercised votes for false
personification. Sanction may be awarded.

See page 2 (20)

2/4/53



(15) - Has that legal opinion makes the position
clear that sanction of Govt is necessary under
Sec 196 Cr. P. C. to prosecute the offenders.
The administrative aspects of the question
require some consideration. The Corporation
has consulted the Dist Magistrate, Bangalore,
and amongst other things, he has raised
the point whether it is worthwhile to file cases
against the 6 offenders at this distance of time
the elections took place in December 1953 which
are now in April 1955

(16) - The Commissioner may consider
in particular the time lapsed in this case
and recommend to Govt whether he would
be prepared to go to the Criminal Court
in the light of the Dist Magistrate's remarks
orders. Could be passed on his final
report.

(17) - I have still another doubt Prosecution

Challenged Wks - Corporation Election - 1953

File No 8687/mul

25/KD of 195

595
10/10/53

Mysore Government
Secretariat

Serial
No

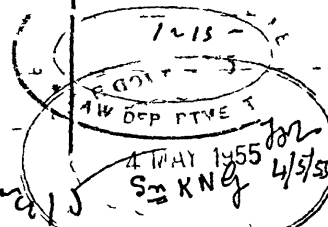
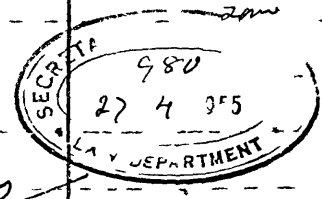
has to be made under Electn. rule 27(b) in
this case for the offence of personation. Under
Section 412 of the Bangalore Corporation Act
no person shall be liable to be tried for any
offence against any ^{of} the provisions of the
Corporation Act, or of any rule, bye-law or
regulation or order made under it, unless
complaint is made within six months from
the commission of the offence by the police or the
Commissioner, etc. Whether, therefore, action
against the offenders in this case in respect
of elections held in Dec-1953 is possible & liable
under law in the rule of 1953 will have
point to be considered in the law dept. case,
therefore, routing the papers again through
the law dept. for immediate ^{remarks} ~~action~~

Minister Lg -
Adv. Law Dept.

28) Kind - reference - made to
the - - - - - by the
Legislation Branch - 3 - - - - -
- - - - - the - - - - - dept -
- - - - - to the
Legislation Branch - for further
reference - in - continuation -

WD 07074-GPE-80 CCG-5 10 54

MMH
25/11/53 cr
2/11 cr
Law Lg 21/11
21/11 Ann Lg Lg
3/12/53



Challenged Votes - Corporation Election - 1953

Mysore Government
Secretariat

8687/ml File No

25/5/55
CP of 195

[App F III 2

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No

24) It is made clear in
para 9 that a separate order
for prosecution is necessary
The points raised in paras 15 to
18, ~~by the~~ refer to the possible
grounds against taking a
decision to prosecute and
may therefore be referred to
the Law Branch for offering
legal opinion if necessary in
consultation with the Advocate

General

25/5/55

JSP
5/5/55

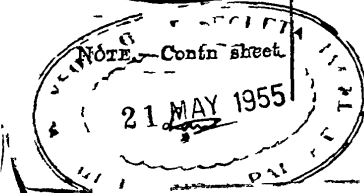
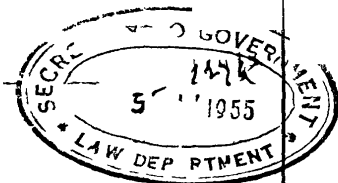
Law Secretary) - 18/5/55

25) Supd & Mem
Sheet

26) Spoken to note
16/5/55

27) As indicated in Para 10 the only possible legal
action possible in this case is to issue a separate order
by the Govt under Sec 196 of the Code of Criminal Procedure
sanctioning the prosecution In view of the delay and
the time lag in this case (Vide Paras 15 to 17 of Notes)
it is a point for consideration whether it would be
workable to proceed in the matter at this distance
of time Moreover Sec 417 of the Corporation Act
appears to be also not conducive for launching
the prosecution ^{since the period of six months has already elapsed} if it is deemed that this section
governing municipal prosecutions also covers cases
coming under the purview of ~~the~~ sub rule 6 of
Rule 27 of Election Rules JSP
17/5/55 Law Secretary)

28) Law Branch
21/5/55 JSP 6/5/55



8

Challenged Votes — Corporation Election 1953

File No 25

1157

of 1955 - SC

Mysore Government
SecretariatAsst Secretary
LawJH
21/5/55Serial
No1157
21/5

29) The question for consideration is whether it is desirable at this distance of time to launch prosecution against Sriyuts Chinnappa, Anniappa, Sri Ramulu, Basha, Narasimhalu and Smt M Chinnathammal, in respect of the offence of personation & alleged to have been committed by them during the Corporation Elections of held in December 1953

30) Opinion has already been expressed that sanction of Govt to prosecute the above persons is necessary under Section ~~197~~ 196 of the Cr P C (Paras 9 and 10 supra).

31) Rules have been framed under Section 68 of City of Bangalore Municipal Corporation Act, ~~1949~~ 1949, for the conduct of the ~~election~~ election of the Divisional Councillors of the Corporation Rule 27(6) of these Rules provides for the prosecution of persons who are found to be guilty of the offence of personation. The relevant portion of this Rule is reproduced below -

" Rule 27(6) " The Commissioner shall immediately institute such enquiries as may be necessary and shall take steps to prosecute the persons, whom he believes to be guilty of the offence of personation, after obtaining the previous sanction, required by Section 196 of the Code of Criminal Procedure, 1895 "

32) Section 417 of the City of Bangalore Municipal Corporation Act, 1949 prescribes a time limit of 6 months for the prosecution of a person for an offence of the breach of the provisions of the Act, of any rule, bye-law, regulation or order made under the Act

Serial
No

33) Section 417 of the Act reads as follows -

" No person shall be liable to be tried for any offence against any of the provisions of the Act, or of any rule, bye-law, regulation or order made under it, unless complaint is made within six months from the commission of the offence, by the Police or the Commissioner, or by a person authorised in this behalf by the Corporation, or the Standing Committee or the Commissioner

Provided that failure to take out a licence, obtain permission, or secure registration under this Act shall for purposes of this Section be deemed a continuing offence until the expiration of the period, if any for which the licence, permission or registration is required and if no period is specified, complaint may be made at any time within twelve months ~~for~~ from the commencement of the offence "

34) The period of one year provided for in the above Proviso is applicable only to the categories of cases mentioned in that proviso. The present case is governed by Section 417. This Section applies to the cases of offences committed by any person against the provisions of the Act, as well as any rule, bye-law, order, regulation etc. made under the Act. Rule 27(6), which makes personation at the Elections an offence, is a rule made under the City of Bangalore Municipal Corporation Act, 1949. Personation is an offence against this Rule. The six persons in question are found to be guilty of an offence against Rule 27(6). Therefore, the complaint in this case should have been made ⁴ within six months from the date on which they ~~were found to have~~ committed the offence. The Corporation Elections are stated to have been held in December, 1953. The offence must have been committed in December, 1953. The complaint ought to have been made in June or July, ~~1954~~ 1954 alone. It is already May, 1955. Therefore, the proposed prosecution is barred by efflux of time.

Corporation Elections of Dec 1953 -
 prosecution of su chinnappa & 5 others for
 the offence of personation
 File No 887/mle 12011 of 195

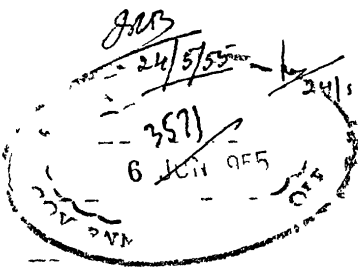
Mysore Government
 Secretariat

Serial
 No

1157
 Law

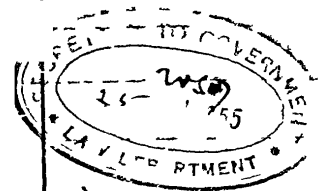
35) In the circumstances, it may not be permissible and
 desirable to prosecute the ~~offex~~ six persons in ~~question~~
 question in the middle of the year 1955, in respect of
 an offence stated to have been committed by them
 in December, 1953

Ref para 17 supra



36) Law Secy

Secretary - Education & L.S.C.



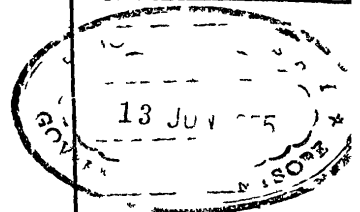
37) Case worker
 & my...
 38) Submitted in
 person
 26/5/55

40) - she went at 10:30 -
 in Court - & maybe after
 she - Commissioner - will be informed
 accordingly

Minister (S.C.)

41) 13/6/55
 13/6/55
 13/6/55

OFFICE OF THE MINISTER
 PUBLIC HEALTH & LOCAL
 GOVERNMENT
 7 JUN 55
 No 1282



42) Draft letter is put up.
 15/6
 16/6

43) Done
 23/6

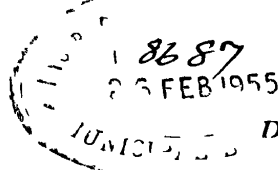
The Commr. C.C.B.
 (Sd/- H.A. 01)
 L 3569/Com 59 5th 3-
 27/6/55
 signed by P.P. Prasad

18/6/55
 28/6/55

CORPORATION OF THE CITY OF BANGALORE.

No A1-29/54-55

CORPORATION OFFICES,
BANGALORE



Dated 22nd February 1955
24th

FROM

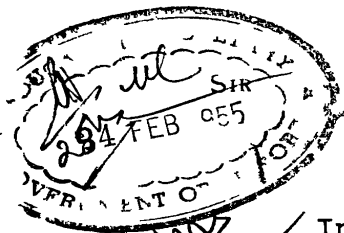
THE COMMISSIONER,

CORPORATION OF THE CITY OF BANGALORE,

BANGALORE

To

The Secretary to the Government of Mysore,
Education & Local Self Government Departments,
BANGALORE



SUBJECT - Challenged votes relating to the Corporation
Elections held in December 1953

C on 29-54-4

In the Corporation elections held in December 1953,*the
marginally noted persons have falsely personated themselves

- 1 Sri Chinnappa
- 2 " Anniappa
- 3 " Sriramalu
- 4 " Basha
- 5 " Narasimhalu
- 5 Srim Chinnathayammal

and exercised their franchise

As laid down in Rule 27(6) of the Rules for the

election of Divisional Councillors, necessary enquiries

were made and it is ascertained that these persons

are stated to be guilty of the offence of personation

In accordance with Section 196 of the code of
criminal procedure of 1898, the District Magistrate, Bangalore
District, was addressed to accord sanction for prosecutions
In reply, he has stated that section 196 Crpc indicates that
sanction of Government is necessary and also stated that it is
not clear if this power has been delegated to any other -
authority by the Government and whether it would be worthwhile
filing cases at this distance of time

I therefore request you kindly to obtain and
communicate sanction of Government for launching prosecution
in all the cases, as per section 196 crpc

Forwarded with compliments

Yours faithfully,

Deenadayalu Naidu
(V P DEENADAYALU NAIDU)
MAYOR

K. Hanjappa
(K HANJAPPA)
COMMISSIONER

VKR 22/2/54

22/2

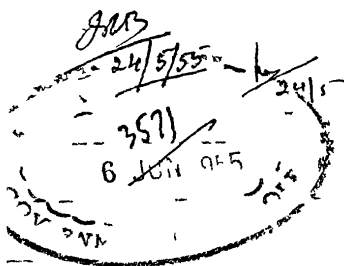
Corporation Elections of Dec 1953 -
 prosecution of su chinnappa & 5 others for
 the offence of personation
 of 195

File No 887/ml 12011

Mysore Government
 Secretariat

35) In the circumstances, it may not be permissible and
 desirable to prosecute the ~~offix~~ six persons in ~~questxxx~~
 question in the middle of the year 1955, in respect of
 an offence stated to have been committed by them
 in December, 1953

Ref para 17 supra

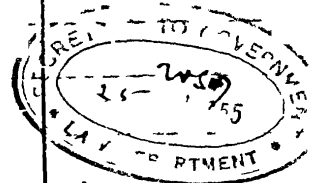


36) Law Secy

Secretary - Education & L.S.C.

Serial
 No

1157
 Law



37)

Care taken
 & my way

6/55

38) Submitted in
 person
 26/5/55

40) The writ at present
 is correct - & maybe also
 the Commissioner will be informed
 accordingly

Minister (S.G.)

41)

13/6/55

13/6/55

17/6

42) Draft letter is put up
 15/6
 16/6

43) Done
 23/6

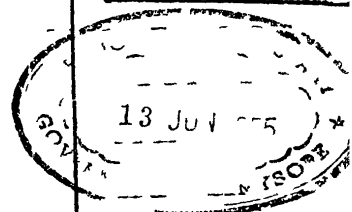
The Commr. C.C.B.
 (Sd/- H.A. 01)

WD 07074-GPB-80 000-5-10 54

L 3569/Com 59 54 8
 27/6/55
 signed by P.P. 1955

18/6/55

OFFICE OF THE MINISTER
 PUBLIC HEALTH & LOCAL
 GOVERNMENT
 7 JUN 55
 No 1282





2

CORPORATION OF THE CITY OF BANGALORE.

No A.1-29/54-55.

CORPORATION OFFICES,
BANGALORE

Dated 15th June, 1955
17th

FROM

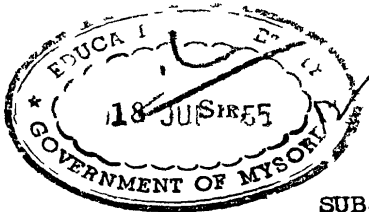
THE COMMISSIONER,

CORPORATION OF THE CITY OF BANGALORE,

BANGALORE

To

✓ The Secretary to the Govt, of Mysore,
Education & L.S G. Departments,
B a n g a l o r e



SUBJECT - Challenged votes relating to the
Corporation Elections held in
December 1953.

I invite your kind reference to this Office letter
No A.1/29/54-55 dated 24-2-1955, on the above subject and
request that the Government may be pleased to accord sanction
to prosecute the persons guilty of the offence of Personation
as required by Section 196 Cr. P.C 1895.

Yours faithfully, *

D.R. Chennarudraiah

(D.R. CHENNARUDRAIAH)
COMMISSIONER.

SVR/2

9/1/56

SUBJECT

Challenges votes relating to the Corporation
 Elections held in December 1953.

Diary No of letter replied to

8687
In

Mysore Government Secretariat

()
the 195

Date of issue

Signed by

List of enclosures

Copied by

Examined by

Section CA.

File No

Serial No

No L 3369

To

27/6/55
The Comptroller GenlMysore the Mayor
InRef: Your letter of 29/
54-55 dated 22/2/55

With reference
 to the above, I am directed
 to state that the offence
 of Personation has been
 committed during December
 1953 and sanction of
 Government for Prosecution
 has been sought during
 February 1955 - the period

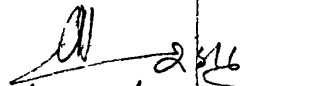
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allowed under Section
417 of the Corporation Act
of 1949, for trying any
person for any offence under
this Act, or of any rule,
bye-law, regulation or
order ^{made} under it, is
only six months

In the Circumstances,
it may be as permissible
and desirable to prosecute
the six persons in question
for Personation in the middle
of the year 1953, in respect
of the offence committed
by him in December 1953

The matter may now be dropped

X 2

 2/16
A Seabury
Em 1/15/53

GOVERNMENT OF MYSORE

No L 3369/CM. 59-54-5

Mysore Government Secretariat,
Dated, Bangalore, 27/6/1955

FROM

The Secretary to the Government of Mysore,
Education & L S G Departments

TO

The Commissioner,
Corporation of the City of Bangalore
thro' the Mayor

Sir,

Subject Challenged votes relating to the Corporation
Elections held in December 1953

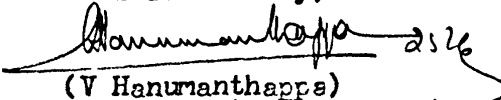
Reference: Your letter No A1 29/54-55 dated 22/24-2-1955

With reference to the above, I am directed to state that the offence of personation has been committed during December 1953 and sanction of Government for prosecution has been sought during February 1955. The period allowed under Section 417 of the Corporation Act of 1949, for trying any person for any offence under this Act, or any rule, bye-law, regulation or order made under it, is only six months.

2 In the circumstances, it is not permissible and desirable to prosecute the six persons in question for personation in the middle of the year 1955, in respect of an offence committed by them in December 1953

3 The matter may kindly be dropped

Yours faithfully,


(V Hanumanthappa)
for Secretary to Government,
Education & L S G Departments

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N 10 Pages
C 6 Pages